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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,562	04/14/2004	Yoshihide Nomura	1619.1029	4826

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
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2168

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/823,562

Applicant(s)

NOMURA ET AL.

Examiner

Greta L. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-6 and 8 are pending in the present application.
2. Claim 7 has been cancelled. Claims 1, 26 and 8 have been amended.

Drawings

3. The drawings were received on January 10, 2007. These drawings are acceptable.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "14" has been used to designate both Part A and Part B of multiple event management databases see Figure 19. Also, note Figures 20 and 21. Note multiple elements should be numbered separately. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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5. INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the "event queue" see page 11 paragraph 0031, also note element (12) Figure 1.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiefer et al. US Patent Application Publication No. 2004/0249644 A1 in view of Bolene US Patent Application Publication No. 2003/0163329 A1.

Regarding claim 1, Schiefer et al. teaches a business tracking apparatus for tracking a business process which is a flow of a plurality of businesses that are executed in a plurality of business systems [note: paragraphs 0002 and 0005], the apparatus comprising:

means for storing a plurality of business data used in a plurality of business systems and business process definition information defining a relation between the plurality of business data [note: paragraphs 0055-0056];

event data collection means for collecting event data from the plurality of business systems, the event data extracted in the plurality of business systems comprising information showing an execution status of an each of a plurality applications, the plurality of applications executing the plurality of businesses [note: paragraph 0013; paragraph 0051 event adapters extract and receive data from source systems];

event relation means for grouping the collected event data based on the business process definition information, and relating the grouped event data based upon the plurality of business data [note: paragraphs 0130-0131 ETL applications can be divided into modules which include a set of event adapters, ETLets or evaluators; paragraphs 0138-0145];

event management data storage means for storing the related event data [note: paragraphs 0055-0056; paragraph 0074]; and

output means for outputting the related event data in a tree form by retrieving the event data from the event management data storage means based upon input retrieval conditions [note: paragraphs 0131-0137]. Although Schiefer et al. teaches the invention substantially as cited above, they do not explicitly teach that the data is displayed in a tree like form. Bolene teaches a business application software framework where hierarchies can be defined to represent organizational structures [note: Figure 4; paragraphs 0036 and 0061-0063]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Bolene with Schiefer et al. because a hierarchical form or tree form of display would provide a quick, clear method of viewing the output.

10. Regarding claim 2: "wherein the output means comprises means for displaying an event relative to business data selected on the outputted event data in tree form on a business process chart produced on the basis of the business process definition information [note: Bolene Figure 4].

11. Regarding claim 3: "wherein the business process definition information includes definition information of standard processing time of each business data as an event, and wherein the output means calculates and displays a delay degree to standard processing time or forecast time" [note: Schiefer et al., ETL developers are able to

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specify data propagation parameters such as schedule and time constraints see paragraph 0083-0085].

12. Regarding claim 4: "memory means for storing event extraction definition information ... and event extraction means for extracting event data" [note: Schiefer et al., Figure 2 extraction (201); also note paragraph 0067 and 0132-0137].

13. Regarding claim 5: "wherein each of the business systems further comprises: event data conversion means" [note: Schiefer et al., paragraph 0013 and paragraph 0048; also paragraphs 0041-0042].

14. The limitations of claims 6 and 8 parallel apparatus claim 1; therefore they are rejected under the same rationale.

Response to Arguments

15. Applicant's arguments filed January 10, 2007 have been fully considered but they are not persuasive.

In the response Applicant argued the following:

(i) Replacement drawings have been submitted with corrections in response to the drawing objections. In response to the drawing amendment the objection is withdrawn; however a new objection is cited under 37 CFR 1.84(p)(4) because reference character

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"14" has been used to designate multiple event management databases in a single view.

(ii) Regarding the rejection cited under 35 USC 112 second for omitting essential elements; Applicant states that the embodiment of claim 1 recites in part "event data collection means for collecting event data which is from the plurality of business systems," particularly pointing out that event data is from the business system. In response to applicant's remarks, the examiner respectfully maintains the rejection. Note, although claim 1 recites "event data is from the business system" it does not make mention of an association with the event queue. Claim 1 does recite "event data collection means"; however it is vague as to which element provides the operational means. The examiner notes independent claims 6 and 8 do not use the limitation "means".

(iii) Regarding the rejection cited under 35 USC 103(a) citing Schiefer et al. in view of Bolene, Applicant states Schiefer et al. does not teach an execution status, and Bolene does not disclose a business process or business data is displayed in the tree form. In response to applicant's arguments the examiner respectfully maintains the rejection. Note Schiefer provides for the limitation of showing an execution status. Note Schiefer et al. teaches analysis capabilities and decision –support data monitoring are typical in the art where updates are provided through a window see paragraph 0010. Also, Schiefer et al. teaches evaluators perform evaluation in real-time, simple and complex analysis may be implemented through use of algorithms [see paragraphs 0019

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performed in real-time, 0047-0048 evaluator components 104 for monitoring, 0007 use of algorithms, 0078 evaluators are implemented by developers].

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


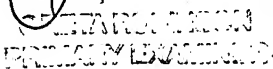
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Greta Robinson
Primary Examiner
April 10, 2007